

Effective 15 October 2001

Personnel Procurement

Recruiting Improprieties Policies and Procedures

For the Commander:

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History. This update publishes a revised USAREC Reg 601-45 which is effective 15 October 2001.

Summary. This regulation prescribes policies and responsibilities for reporting, processing, investigating, and disposing of allegations of recruiting improprieties within the United States Army Recruiting Command.

Applicability. This regulation applies to and is binding on all military and civilian members of the United States Army Recruiting Command. Ex-

ceptions to nonstatutory provisions may be made by Headquarters, United States Army Recruiting Command or Headquarters, Department of the Army. In cases of conflict between this regulation and any other command regulation setting forth procedures for the reporting, processing, or disposition of allegations of recruiting improprieties, this regulation will take precedence. Except as otherwise prohibited by law, Department of Defense, or Department of the Army this regulation applies to Army Reserve personnel on active duty and to Army National Guard personnel performing recruiting duties within the United States Army Recruiting Command.

Proponent and exception authority. The proponent of this regulation is the Director of Recruiting Operations. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. Proponent may delegate the approval authority, in writing, to a division chief within the proponent agency in the grade of GS-12.

Army management control process. This regulation contains management control provisions in accordance with AR 11-2 but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation is prohibited.

Suggested improvements. The proponent agency of this regulation is the Office of the Director of Recruiting Operations. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQ USAREC (RCRO-ES), Fort Knox, KY 40121-2726.

Distribution. Distribution of this regulation has been made in accordance with USAREC Pam 25-30, distribution Y. This regulation is published in the Recruiter Management UPDATE.

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Chapter 1

General

1-1. Purpose

This regulation prescribes United States Army Recruiting Command (USAREC) policies and responsibilities for reporting, processing, in-

vestigating, and disposing of allegations of recruiting improprieties (RIs) within USAREC.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Policy

a. Elimination of RIs and correction of systemic deficiencies must be a primary goal of every level of command within USAREC. The keys to achieving this goal are good management of recruiting resources, vigorous and thorough investigations of allegations of RI, aggressive monitoring of all investigations, and continuing education and supervision of the recruiting force to assure only thorough, honest, and ethical recruiting practices are employed in USAREC.

b. Regardless of any other disciplinary action which may be taken, RIs committed by a USAREC soldier may subject that soldier to disciplinary actions including, but not limited to, administrative action such as involuntary reassignment, separation, suspension or removal

*This regulation supersedes USAREC Regulation 601-45, 30 September 1996.

from recruiting duties, termination of special duty assignment pay (SDAP), and withdrawal of the recruiting military occupational specialty code (MOSC) or additional skill identifier (ASI) code. RIs committed by a USAREC civilian employee may subject that person to appropriate administrative sanctions as provided by the Office of Personnel Management regulations. The foregoing actions may be taken regardless of past recruiting and production performance records.

c. Apart from any determination of RI, USAREC commanders should consider whether the evidence of other wrongdoing or dereliction of duties on the part of a soldier warrants Uniform Code of Military Justice (UCMJ) action, suspension from recruiting duties, withdrawal of the recruiting MOSC, or other adverse personnel action.

1-5. Responsibilities

a. Director of Recruiting Operations is responsible for:

(1) Developing, implementing, and monitoring compliance with enlistment standards policies and procedures contained in this regulation.

(2) Screening RI allegations reported to Headquarters, United States Army Recruiting Command (HQ USAREC) to assure the maximum possible clarification is obtained prior to referring the allegation to a subordinate headquarters for investigation.

(3) Training recruiting battalion (Rctg Bn) executive officers (XOs) concerning investigative techniques.

(4) Coordinating the investigative efforts between USAREC and the United States Army Criminal Investigation Command (USACIDC), and acting as the USAREC clearinghouse for USACIDC reports of investigation (ROIs) when allegations of criminal misconduct are reported to HQ USAREC.

(5) Monitoring the recruiting process by analyzing RI and suspected impropriety (SI) trends.

(6) Reviewing ROIs for investigative sufficiency and, if necessary, returning investigations for further investigation.

(7) Administratively processing ROIs related to RI allegations.

b. Staff Judge Advocate (SJA) is responsible for:

(1) Technical supervision of the brigade judge advocates (BJAs) in their review of ROIs related to RI allegations.

(2) Providing legal advice to HQ USAREC and subordinate commanders on matters related to the investigation and disposition of RI allegations.

(3) Processing of substantiated and questionable cases to the Commanding General (CG) for action, when warranted. This responsibility includes, but is not limited to, providing advice on the adequacy of investigations, sufficiency of evidence, and appropriateness of recommended disposition.

c. USAREC commanders are responsible for implementing appropriate procedures to assure compliance with this regulation. Additionally,

USAREC commanders should act to minimize the occurrences of recruiting processing errors, assure swift and appropriate disposition of those personnel involved in alleged RIs, and to remedy deficiencies in recruiting practices within their commands.

d. All allegations of RIs or suspected RIs must be reported to the chain of command or to HQ USAREC, Recruiting Operations Directorate, Enlistment Standards Division, at DSN 536-0106 or toll-free 1-800-223-3735, extension, 6-0106.

1-6. Delegations of authority

a. Authority to temporarily suspend personnel from recruiting duty status is delegated to the appropriate Deputy Commanding General (DCG), HQ USAREC; recruiting brigade (Rctg Bde) commanders or acting Rctg Bde commanders; and to Rctg Bn commanders or acting Rctg Bn commanders (in the grade of major or above).

b. Authority to reinstate temporarily suspended personnel to recruiting duty status is delegated only to the appropriate DCG, HQ USAREC, when he or she determines, based on the preponderance of the evidence, that the allegations of RIs are unsubstantiated or recruiter error.

c. Delegations of authority do not relieve commanders or persons to whom authority is delegated of their responsibilities under this regulation, other directives, and/or policies.

1-7. Clarification

For the purposes of this regulation:

a. Rctg Bn commander includes Army Medical Department (AMEDD) detachment commanders. Rctg Bn XO also includes AMEDD detachment XO.

b. The term "enlist" also includes commission or appointment of any individual.

Chapter 2

RIs

2-1. Purpose

This chapter defines and gives examples of RIs. It applies to all military and civilian employees assigned, attached, or detailed to USAREC. Failure to comply with this chapter may subject soldiers to adverse administrative action or disciplinary action under the UCMJ and civilian employees to disciplinary or adverse actions under Federal law and regulation.

2-2. RIs defined

a. RIs include any of the following:

(1) Acts or omissions in violation of law or regulation with the intent to enlist a person not qualified for enlistment or whom the recruiter believes is unqualified for enlistment.

(2) Acts or omissions in violation of law or regulation with the intent to grant a person a specific option, MOSC, educational benefit, bonus, or other enlistment benefit for which an applicant is ineligible or whom the recruiter does not believe is eligible.

(3) Grossly negligent acts or omissions in violation of law, regulation, or policy resulting in a fraudulent, erroneous, or defective enlistment

or reporting to active duty (AD) or transfer of an unqualified person.

(4) Absent evidence of an innocent purpose intentional violations of any specific prohibition identified in paragraph 2-3, whether or not any processing or enlistment occurred.

b. For the purpose of this chapter:

(1) Gross negligence is defined as a reckless, wanton, or deliberate disregard for the foreseeable results of a particular act or omission. Gross negligence is a higher degree of carelessness than simple negligence, which is the absence of due care that a prudent person would have used under similar circumstances.

(2) The term recruiter as used in this chapter refers to all military and civilian personnel involved in the recruiting process.

2-3. Specific prohibitions

The following specific prohibitions are listed:

a. Criminal involvement.

(1) Recruiters are prohibited from interfering with the civilian criminal process. Recruiters will not allow persons who have an unpaid fine or are pending charges (including unfiled charges known to the recruiter) to enter the Delayed Entry Program (DEP) or access until all such restrictions are removed. Likewise recruiters will not allow individuals who are confined in any criminal justice facility, on probation, parole, or similar status to enter the DEP or access until all such restrictions are removed. Recruiters are further prohibited from participating in the release of individuals from such restrictions, whether by paying fines, appearing in court with applicants, testifying for applicants, or interceding on behalf of these individuals in any manner.

(2) Applicants are required to disclose all prior and pending law violations, whether civilian or military. Recruiters are prohibited from concealing, assisting in the concealment, or advising an applicant to conceal any disqualifying information.

NOTE 1: No RI investigation is required for applicants who (1) Admit to nondisqualifying law violations during Military Entrance Processing Station processing to enter the DEP or access; and (2) State they did not inform their recruiter of the offense. The nondisqualifying information will be entered on the appropriate enlistment forms, and the applicant may continue to process providing he or she is otherwise qualified. Additionally, the guidance counselor (GC) will determine whether or not the applicant informed his or her recruiter about the law violations, and make appropriate entries in the Remarks Section of the USAREC Form 794 (Enlistment Processing Worksheet). The senior guidance counselor will notify the XO if there is an allegation of a recruiter counseling an applicant to conceal nondisqualifying information.

NOTE 2: The above pertains only to RI investigations and the RI investigative process. Recruiting personnel must adhere to the processing and eligibility requirements contained in AR 601-210, USAREC Reg 601-56, USAREC Reg 601-96, and other applicable regulations and/or policy guidance to ensure only qualified applicants are allowed to process, enter the DEP, and/or access. Failure to follow these regula-

tions may dictate the need for a misconduct inquiry or investigation.

b. False documents.

(1) Recruiters will not falsify, assist in falsifying, knowingly use any false documents and/or information, or intentionally omit any material information pertaining to an applicant's qualification for enlistment, option, bonus, benefit, or referral credit for E-2 promotion. This prohibition includes any physical or electronic records or entries made or used during enlistment processing. It also includes the use of any documents bearing forged or unauthorized signatures.

(2) Recruiters will not possess any blank documents which could be used to determine eligibility of an applicant.

c. Presigned forms and false certification.

(1) Recruiters will not presign, nor have an applicant presign, any enlistment form that results in the attempted processing, processing, or enlistment of anyone other than the actual applicant (e.g., a presigned USMEPCOM Form 714A (Request for Examination) used by an imposter ("ringer") to take the Armed Services Vocational Aptitude Battery (ASVAB) for an applicant would violate this prohibition).

(2) Recruiters will not sign or have an applicant sign or initial a USAREC OP 2 (IRR Transfer (DA Form 4187)) to transfer the applicant from the Individual Ready Reserve (IRR) to a troop program unit (TPU) without first completing sections III and IV of this form.

(3) Recruiters will not sign on behalf of any Department of the Army personnel who are required to sign an enlistment document unless permission was expressly granted and the document clearly indicated that the recruiter signed in a representative capacity.

d. Recruiters will not knowingly allow persons to test who are not eligible to test, and are prohibited from possessing or providing applicants, by any means, any qualification test material, version of the ASVAB, or locally-produced test or testing aid.

e. Medical.

(1) Recruiters are prohibited from concealing, assisting in the concealment, or advising an applicant to conceal any relevant medical information, whether or not disqualifying.

(2) Recruiters are also prohibited from giving or advising applicants to use any pharmaceutical product, medicine, medication, or remedy, whether controlled, prescribed, or sold over the counter for the purpose of meeting enlistment eligibility.

f. Dependents. Recruiters will not recommend, encourage, or materially assist any person to transfer custody of their minor children for the purpose of meeting enlistment eligibility. Informing applicants that they may apply for or be permitted to regain custody of their children during their first enlistment or term of service is also prohibited. This does not include informing such applicants of the basis for the Army's policy nor explaining eligibility requirements in accordance with AR 601-210.

g. Prior service (PS).

(1) Recruiters will not conceal or assist in the concealment of an applicant's PS.

(2) Recruiters are prohibited from enlisting an applicant into the United States Army Reserve (USAR) for the purpose of qualifying that person for accession into the Regular Army (RA) as PS.

(3) Recruiters will not knowingly process an applicant into the USAR who is being processed for enlistment into the RA or vice versa.

(4) Recruiters will not process an IRR to a TPU without the individual's consent, whether or not eligible.

h. Misrepresentation and coercion.

(1) Recruiters will not knowingly mislead or misinform a prospect or applicant regarding any aspect of processing, entitlements, benefits, or other aspects of the Army so the prospect or applicant would decide to enlist into either the RA or USAR, or transfer to a TPU. This includes "conditional" enlistments in which an applicant enlists based on a recruiter's assurance that the applicant's prospects for selection for another program will improve. Other examples include false promises of cash bonus, Army College Fund, Student Loan Repayment Program, regaining custody of dependent children prior to completion of first term of enlistment, overseas assignments, or a specific station of choice.

(2) Recruiters will not threaten, coerce, or intimidate any person for the purpose of inducting a member of the DEP to report to AD. This includes misrepresenting the likelihood of being apprehended and ordered to AD. It also includes obstructing an individual from being separated from the DEP. Although recruiters may properly attempt to "resell" an applicant, they will not unreasonably delay the process of an applicant's request for separation.

i. Recruiters are prohibited from assisting any recruiting personnel in the commission of any RI and from tampering with witnesses or interfering with the investigation of an RI.

j. Fraudulent imposters (ringers). A "ringer" is defined as someone who serves as an imposter for the actual applicant for the purpose of satisfying the applicant's qualifications for entry into the Army. The use of ringers is prohibited.

(1) Recruiters will not use a ringer to take a physical examination for the actual applicant.

(2) Recruiters will not use a ringer to take the ASVAB examination for the actual applicant.

Chapter 3

Processing and Investigation of Allegations of RIs

Section I

Processing of Allegations

3-1. General

This chapter prescribes USAREC procedures for the reporting, processing, investigation, and disposition of RI allegations (see flowchart at fig 3-1). Deviations from these procedures may be made only with the specific approval of HQ

USAREC. Reports associated with the processing of allegations are exempt from information requirements in accordance with AR 335-15.

3-2. Allegation and SI definitions and reporting requirements

a. RI allegations are defined as information from any source, either verbally or in writing, that a USAREC member violated paragraph 2-2 or 2-3. Alleged RIs are investigated using informal investigation procedures under the provisions of AR 15-6 and USAREC Pam 27-65. Where the allegation appears to be clearly frivolous or without substance, Recruiting Operations Directorate may approve a request to conduct a commander's inquiry in lieu of an informal investigation. If no impropriety is substantiated by the inquiry, the Rctg Bn commander may close the case and forward the report of inquiry through command channels to HQ USAREC. The Recruiting Operations Directorate, Enlistment Standards Division, should be contacted in questionable situations for guidance.

b. SIs are defined as questionable situations in which an RI is possible based on circumstantial or documentary evidence. For example: An increase of 20 or more points on an ASVAB retest, existing prior to service separations of enlistees reflected on the Training Base Attrition Report, any separation which is a result of fraudulent entry, or unreported PS confirmation from the Defense Manpower Data Center constitute SIs.

c. All RI allegations and SIs will be reported to the Rctg Bn XO within 1 working day of discovery. The Rctg Bn will have 1 working day to report RI allegations to HQ USAREC (RCRO-ES) via e-mail. The format at figure 3-2 will be used. Liaison noncommissioned officers will report RI allegations within 1 working day via USAREC Form 315 (Report of Alleged or Suspected Recruiting Impropriety) to HQ USAREC (RCRO-ES) and provide a copy to the Rctg Bde involved.

d. The XO will maintain a log reflecting the current status of each RI investigation using USAREC Form 737 (Recruiting Impropriety Investigation Log) (see fig 3-3) and commander's inquiry into SIs using USAREC Form 737-A (Suspected Impropriety Inquiry Log) (see fig 3-4).

e. Rctg Bn commanders will evaluate each alleged RI and SI to determine whether any immediate action should be taken regarding the applicant or enlistee involved (e.g., DEP separation, renegotiation, notify a TPU, etc.). Should action be required, the Rctg Bn will contact the appropriate authorities.

3-3. Processing by Recruiting Operations Directorate

Upon receipt of an alleged RI or SI from any source, Recruiting Operations Directorate will take the following actions:

a. Review the allegation and any supporting documentation to determine whether all necessary preinvestigative information has been pro-

vided and determine the necessity for an investigation. When necessary Recruiting Operations Directorate will forward the preinvestigative packet to the appropriate Rctg Bde with a copy furnished to the Rctg Bn. Coordination will be made with SJA in questionable situations.

b. When an RI investigation is warranted, a case file will be opened. When opening a case file, a case number and suspense date will be assigned via e-mail or memorandum to the Rctg Bde with a copy furnished to the Rctg Bn.

Section II

Initiation of the Investigative Process

3-4. Responsibility for appointing investigating officers and suspension of favorable personnel action (flagging)

a. Upon receipt of an alleged impropriety, the Rctg Bn commander will appoint an investigating officer (IO) to investigate the RI allegation. All investigations of alleged RIs will be conducted in accordance with the provisions of AR 15-6 and USAREC Pam 27-65.

b. The Rctg Bn XO has the primary staff responsibility for RI allegations and investigations at Rctg Bn level. The XO will maintain a log reflecting the current status of each RI investigation (see fig 3-3).

c. Only commissioned officers will be appointed as IOs for RI investigations. Noncommissioned officers (NCOs) in the rank of master sergeant and above may be appointed only as assistant IOs in the conduct of RI investigations. NCOs in the rank of master sergeant and above may be appointed IOs in the conduct of commander inquiries.

d. The Rctg Bn commander and XO will ensure trained and experienced IOs are appointed to conduct RI investigations. After assignment to USAREC, Rctg Bn XOs at the earliest opportunity will attend a "train the trainer" course hosted periodically by HQ USAREC. XOs will then be responsible for the training of Rctg Bn officers and NCOs (master sergeants and sergeants major) in the conduct of RI investigations and commander's inquiries. Each officer appointed as an IO will, at a minimum, meet the following criteria:

- (1) Have received IO training from their XO.
- (2) Have at least 6 months in USAREC. Officers having less than 6 months in USAREC may conduct RI investigations if an assistant IO (master sergeant or above who has completed IO training) is appointed to help with the investigation. Exceptions to the above will only be granted by HQ USAREC (RCRO-ES).

e. Investigations and commander's inquiries will not be conducted by the recruiting company (Rctg Co) commander of recruiting personnel allegedly involved in the matter. Exceptions are granted for the Rctg Co commanders located in Hawaii and San Juan. Rctg Bn commanders may appoint these officers to conduct investigations and/or inquiries regarding their Rctg Co personnel.

f. The following guidelines apply for suspension of favorable personnel actions (flagging).

(1) If an allegation is reported or an officer is appointed to conduct an informal investigation:

(a) Soldiers on a Headquarters, Department of the Army promotion list must be flagged. The Rctg Bde commander may lift the flag in those cases where he or she has authority for case closure. If the case is substantiated and the Rctg Bde forwards the case to HQ USAREC for adverse administrative action, the flag will remain in effect until the case is closed by HQ USAREC.

(b) Rctg Bn commanders have discretionary flagging authority for a soldier who is not on a Headquarters, Department of the Army promotion list. They should consider the seriousness of the allegation, the likelihood the allegation will be substantiated, whether favorable actions such as awards, schooling, or reenlistment are pending for the soldier, or whether the case involves a fraudulent or erroneous enlistment. Rctg Bn commanders may lift discretionary flags in unsubstantiated cases.

(c) The above procedures apply to military personnel only. Adverse action against a civilian employee will be taken in accordance with appropriate Office of Personnel Management regulations.

(2) Recruiters are not required to be flagged during a commander's inquiry into an SI.

g. At the request of a subordinate commander or on his or her own volition, the CG, USAREC, may appoint an IO to conduct an informal RI investigation. These investigations will also be conducted in accordance with the provisions of AR 15-6 and USAREC Pam 27-65. Recruiting Operations Directorate civilian employees, GS-7 and above, and senior NCOs, sergeant first class and above, may be appointed and detailed to assist the IO. These civilians and NCOs are authorized to administer oaths in taking sworn statements during the conduct of their duties.

3-5. Investigating and inquiry officer responsibilities

a. The IO will refer to the following to ensure the investigations are timely, thorough, and properly assembled:

- (1) Read carefully all material in the file.
- (2) Review all documents in the preenlistment and/or enlistment packet on the applicant and include a copy in the investigation. Include officer procurement or IRR to TPU transfer packets, if appropriate.
- (3) Read and be familiar with USAREC Pam 27-65.
- (4) Provide a Privacy Act statement to each applicant whose contract or accession is in question and to those recruiting personnel, other military personnel, or civilian employees whose conduct is at issue.
- (5) In RI cases take face-to-face sworn statements from all witnesses possible. Inability to obtain face-to-face sworn statements will be explained in detail.

(6) Execute DA Form 3881 (Rights Warning Procedure/Waiver Certificate) properly for suspects, suspicion of a witness for dereliction in performance of duty, or other misconduct.

(7) Obtain all pertinent documents, to include, but not limited to the applicant's or enlistee's residual packet and USAREC Form 200 card.

(8) Report immediately to the appointing authority or BJA any suspicion IO has of misconduct by anyone senior in rank to the IO.

(9) Promptly and thoroughly investigate all allegations.

(10) Document all findings.

(11) Provide specific findings and indicate whether the case is substantiated, recruiter error, or unsubstantiated. Provide appropriate recommendations based upon the findings. Ensure substantiated cases are proven by a preponderance of evidence.

(12) Refer to USAREC Pam 27-65 for proper assembly of the investigation.

(13) Provide the completed, properly assembled investigation to the appointing authority by the suspense date.

b. SIs may be investigated using a commander's inquiry instead of informal investigation procedures. Since there is no prescribed format for a report of inquiry, a memorandum to the appointing authority is adequate. The memorandum needs to document actions taken by the inquiry officer, indicate the personnel interviewed, enlistment documents examined, and provide appropriate recommendations to the appointing authority. Telephonic interviews are acceptable for commander's inquiries. Conversation records, enlistment documents, or other correspondence need not be attached to the inquiry unless the inquiry officer believes it necessary to clarify or justify his or her report.

(1) A commander's inquiry into possible Entrance National Agency Check matches is not necessary under the purview of this regulation. The guidance in USAREC Reg 601-56 and USAREC Reg 601-96 will be followed.

(2) USAREC Reg 601-96 and published message guidance reflect who must interview applicants in confirmed Entrance National Agency Check match situations. The interviewer will document the results of the interview in writing (e.g., memorandum of conversation), and follow appropriate directives in continuing to process the applicant. If the applicant states he or she informed his or her recruiter about any unlisted law violation, the situation will be reported to HQ USAREC (RCRO) and an investigation will be initiated. If the applicant indicates that he or she did not inform his or her recruiter, no further action under this regulation is required.

c. At Rctg Bde and Rctg Bn level, NCOs in the rank of master sergeant and above may be appointed to conduct commander's inquiries into SIs. These NCOs must complete IO training prior to being appointed to such duties.

3-6. Rctg Bn and Rctg Bde processing

a. For the purposes of this regulation, the following definitions of "accessed" apply:

(1) Nonprior service (NPS) (RA) - When the individual ships.

(2) NPS (USAR) - When the individual is sworn in.

(3) Days of service NPS - When the individual ships.

(4) IRR to TPU transfer - When the reservation is entered into the computer.

(5) PS (RA) - When the individual ships.

(6) PS (USAR) - When the individual is sworn in.

b. The BJA or attorney-advisor will conduct a legal review of all RI cases.

c. ROIs will be processed as follows:

(1) If the applicant has accessed:

(a) The ROI will be forwarded to HQ USAREC (RCRO-ES), Fort Knox, KY 40121-2726, through command channels. Rctg Bn and Rctg Bde commanders will include appropriate recommendations concerning recruiting personnel and for disposition of the case in their endorsements. Rctg Bde commanders may delegate the authority to forward unsubstantiated or recruiter error cases to the deputy Rctg Bde commander or Rctg Bde Chief of Staff (CofS).

(b) When an allegation is substantiated, commanders will determine if flagging action, if not already accomplished, or suspension from recruiting duties is warranted (see paras 3-4f(1) and d below). They will also refer the case to the appropriate recruiting personnel for acknowledgment and rebuttal using USAREC Form 713-1 (Notification and Rebuttal of Adverse Action) (see fig 3-5 and d below).

(c) Rctg Bde commanders have 50 calendar days from the time an allegation is surfaced until the complete ROI is mailed to HQ USAREC.

(2) If the applicant has not accessed:

(a) All RI cases will be forwarded with the Rctg Bn commander's recommendation to the Rctg Bde commander. When an allegation is substantiated, Rctg Bn commanders will determine if flagging action, if not already accomplished, or suspension from recruiting duties is warranted (see para 3-4f(1) and d below). Rctg Bn commanders will refer substantiated cases to the appropriate recruiting personnel for acknowledgment and rebuttal using USAREC Form 713-1 (see fig 3-5 and e below). After the Rctg Bde commander takes final action, he or she will notify the Rctg Bn commander, who will, in turn, notify the recruiting personnel. The Rctg Bde commander will then forward the case file with all associated documents to HQ USAREC (RCRO-ES) for review and Criminal Investigation Division (CID) review prior to filing. Rctg Bde commanders may delegate the authority to close unsubstantiated and recruiter error cases to the deputy Rctg Bde commander or Rctg Bde CofS.

(b) If the Rctg Bde commander desires to recommend adverse administrative action beyond his or her scope of authority (general officer letter of reprimand, court-martial, or relief), the case file will be forwarded with recommendations to HQ USAREC (RCRO) for further processing.

(3) The CG will retain relief authority concerning recruiting personnel involved in substantiated RI investigations. The CG and DCGs are the only officers who can reinstate suspended recruiters to recruiting duty in accordance with this regulation and AR 601-1.

d. In all substantiated cases, Rctg Bn and Rctg Bde commanders should consider if suspension from recruiting duties is warranted. Rctg Bn commanders, acting Rctg Bn commanders with the rank of major, and Rctg Bde commanders are authorized to suspend recruiting personnel within their respective commands. Since reinstatement can only be directed by a USAREC general officer, and SDAP cannot be paid retroactively, suspension is normally appropriate when the commander intends to recommend relief from recruiting duty or some comparable adverse action.

(1) Termination of SDAP is effective on the date of suspension. Commanders must ensure that suspension is warranted based on the facts that are known at the time suspension is directed.

(2) Recruiters must be notified in writing of the suspension, provided with a copy of the supporting documentation, and provided the opportunity to submit matters in rebuttal. Normally suspension is directed after completion of the ROI using USAREC Form 713-1. If suspension is directed prior to completion of an investigation, the notice and rebuttal opportunity concerning the suspension must be provided.

(3) Suspended recruiters will not continue to perform recruiting duties. If a soldier is assigned to duty at any location outside of his or her local travel area, no matter for how short a time, a DD Form 1610 (Request for Authorization for TDY Travel of DOD Personnel) must be issued prior to the reassignment being effected.

e. When a commander determines an ROI is substantiated, he or she will obtain a rebuttal or acknowledgment in all cases, regardless of whether relief, reclassification, and reassignment from USAREC is considered appropriate.

(1) USAREC Form 713-1 (fig 3-5) will be used to serve the investigation on the soldier. The soldier will be given a copy of the case file. He or she will be given 10 calendar days to review the file and submit rebuttal matters to the Rctg Bn commander. Extension of this time period may be granted by the Rctg Bn commander for good cause. To ensure all available evidence was reviewed by the soldier, the rebuttal must be dated.

(2) After the soldier has been given the opportunity to submit rebuttal matters, the Rctg Bn commander will forward the original copy of the case file (USAREC Form 713-1 with enclosures) to the Rctg Bde commander with the Rctg Bn commander's recommendations. Commanders will ensure that cases are forwarded promptly, including those without the soldier's rebuttal, unless good cause is demonstrated and approved.

(3) RI cases will be kept on file for 2 years at the Rctg Bn headquarters, and for 3 years at HQ USAREC, Recruiting Operations Director-

ate.

f. Rctg Bde and Rctg Bn commanders have flagging and suspension authority. Unless they are the final deciding authority for an investigation, commanders will refrain from taking any other adverse administrative or disciplinary action without coordination with the BJA or the Recruiting Operations Directorate until the case has been finalized at the appropriate command level.

g. SIs will be processed as follows:

(1) Based upon the commander's inquiry, if the Rctg Bn commander determines there is no allegation, the Rctg Bn commander may close the case. However, if an allegation is discovered or there is any evidence indicating an RI occurred, the allegation must be reported to HQ USAREC (RCRO) and processed using informal investigation procedures. In short, Rctg Bn commanders may only close an inquiry if there is no credible evidence indicating that any impropriety occurred or that an allegation was made.

(2) A memorandum for record of commander's inquiries will be kept on file for 2 years at Rctg Bn headquarters. Recruiting Operations Directorate will inspect the commander's inquiries during regular Rctg Bn inspections.

3-7. Request for investigation by USACIDC

a. Alleged and suspected RIs normally will be investigated by USAREC in accordance with the Memorandum of Understanding between USAREC and USACIDC (see app B). Recruiting Operations Directorate is responsible for ensuring all reports of misconduct within USACIDC's investigative jurisdiction are properly reported to the USACIDC liaison officer.

b. When another offense listed in AR 195-2, appendix A, is linked to an alleged or suspected RI, USACIDC investigative assistance will be requested by the appointing authority. Offenses detected by the IO during the course of the investigation will be reported to the appointing authority who will coordinate with the servicing USACIDC office. The IO will continue with his or her investigation and will not delay the report to the appointing authority pending the conclusion of the CID investigation. Rctg Bn commanders will monitor the progress of the CID investigation and maintain close liaison with the agent-in-charge. The agent should be asked to furnish statements of witnesses and other relevant evidence as it is obtained. The conclusions expressed by the USACIDC agent in his or her final ROI are not binding on commanders who have the authority to initiate UCMJ or adverse personnel actions against the subjects of a CID investigation. Hence, commanders who obtain sufficient evidence from USACIDC, in advance of the completion of the final ROI, can proceed to dispose of the matter being investigated. Problems with USACIDC investigations should normally be coordinated with the BJA.

3-8. Recruiting Operations Directorate review

a. In cases involving applicants who have already accessed:

(1) Upon receipt of the case file by HQ USAREC, a review will be conducted by the Enlistment Standards Division which will make recommendations to the Director of Recruiting Operations concerning case disposition.

(2) The Director of Recruiting Operations has the authority to close the case as unsubstantiated or recruiter error. The director will forward correspondence to the Rctg Bde involved concerning case closure. Each Rctg Bde will be responsible for notifying the Rctg Bn and the personnel involved of final case disposition and taking any appropriate corrective action (i.e., counseling or training in the cases of recruiter error).

(3) If the case is determined to be substantiated, the director will forward the case file with his or her recommendation(s) to the SJA for further processing.

b. In cases involving applicants who have not accessed:

(1) Enlistment Standards Division will review all cases for administrative and investigative thoroughness prior to CID review and filing.

(2) In those substantiated cases where the Rctg Bde has recommended adverse administrative action beyond the scope of his or her authority, the director will forward the case file with his or her recommendation(s) to the SJA for further processing.

3-9. SJA review

a. In all cases where the applicant has accessed and either the Rctg Bde commander or the Recruiting Operations Directorate considers the case as substantiated, the SJA will review the case for legal sufficiency. Based upon the review, SJA may:

(1) Request further investigation.

(2) Return the case to the Recruiting Operations Directorate with a recommendation that it be closed.

(3) Prepare a briefing and appropriate correspondence for CG action.

b. In those cases where the applicant has not accessed and the Rctg Bde commander has recommended adverse action beyond his or her scope of authority, the SJA will review the case for legal sufficiency. Based upon the review, the SJA will prepare a briefing and appropriate correspondence for CG action.

3-10. Final action by HQ USAREC approving authority

a. The CG is the final authority on all substantiated RI cases where the applicant has accessed. The CG will take appropriate action in nonaccession cases when the Rctg Bde commander has determined the case to be substantiated and recommended adverse administrative action beyond the scope of the Rctg Bde commander's authority. The CG may impose the full range of adverse administrative

personnel or UCMJ action as appropriate.

b. The DCGs may not take any action concerning substantiated cases without authority of the CG.

3-11. Final disposition of substantiated cases

a. SJA will provide the Recruiting Operations Directorate with a memorandum of the CG's decision. In relief cases and those involving general officer letters, SJA will prepare and forward appropriate correspondence through command channels to the personnel involved. In relief cases SJA will indicate whether there is probable cause to title any personnel in a CID ROI.

b. Recruiting Operations Directorate will send written notification to the Rctg Bde after the decision indicating final action, and direct that the soldier(s) involved be notified through the chain of command. In relief cases, the Director of Recruiting Operations will provide the Director for Personnel appropriate documentation for action. Recruiting Operations Directorate will notify CID, as required, for titling of those soldier(s) in a CID ROI. Upon receipt of the titling correspondence, Recruiting Operations Directorate will notify the soldier through the chain of command that he or she has been titled and his or her name filed in the Crime Records Directorate, USACIDC.

c. When a USAREC soldier is relieved from recruiting duties for an RI, appropriate action will be taken by the Director for Personnel to withdraw the recruiting MOSC or ASI and all incentive recruiting awards.

TO: Improperities
cc: Appropriate Rctg Bde BJA
Subject: Report of Alleged RI

The following information is furnished in accordance with USAREC Reg 601-45, paragraph 3-2.

- a. Name, Grade, and SSN of USAREC personnel involved.
- b. Rctg Bn, Rctg Co, and RS involved (including recruiting station identification).
- c. Date, time, and place of occurrence of alleged RI.
- d. Date alleged incident was first reported to Rctg Co commander or to Rctg Bn headquarters personnel.
- e. Source of allegation (e.g., telephone call, letter, personal interview).
- f. Name, address, and telephone number (if available) of person making the allegation.
- g. Name, address (military or civilian), telephone number (if available), SSN of applicant or enlistee, and whether processed for RA, USAR, AMEDD, OCS, or WOFT.
- h. Has the applicant accessed.
- i. Brief description of the allegation.
- j. Current duty status of USAREC member against whom the allegations are made (e.g., recruiter, GC, RS commander, Rctg Co first sergeant, Rctg Co commander and whether they are RA, USAR, or civilian recruiter).
- k. Remarks.

/s/
XO or Commander's Signature Block

Figure 3-2. RI report form via e-mail

RECRUITING IMPROPRIETY INVESTIGATION LOG (For use of this form see USAREC Reg 601-45)													
RECRUITING BATTALION: <u>Chicago (5A)</u>				BRIGADE: <u>3d Rctg Bde</u>				DATE: <u>01 Dec 01</u>					
CASE #	RCTR'S NAME/RANK/SSN	APPLICANT'S NAME/SSN	CO ID	STA ID	TYPE ALLEG (1)	DATE INITIATED	BN CDR SUSPENSE	BDE SUSPENSE	DATE FWD TO BDE	INV OFF RANK/NAME	DATE CLOSED	FINAL/CG ACTION (2)	REMARKS/FILE
941	JONES/SSG 123-45-6789	SMITH 111-22-3333	6	V	CPR	01 OCT 01	15 OCT 01	25 OCT 01	30 OCT 01	CPT KIDD	01 DEC 01	R3	GOOD INVESTIGATION AND TIMELY
<div style="display: flex; flex-direction: row-reverse; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">↑ Enter general comments.</div> <div style="text-align: center;">↑ Enter R3.</div> <div style="text-align: center;">↑ Enter day, month, and year when the case was closed.</div> <div style="text-align: center;">↑ Enter abbreviated rank with last name of the investigating officer.</div> <div style="text-align: center;">↑ Enter day, month, and year the investigation was forwarded to USAREC.</div> <div style="text-align: center;">↑ Enter day, month, and year due date to Rctg Bde.</div> <div style="text-align: center;">↑ Enter day, month, and year due date to Rctg Bn commander.</div> <div style="text-align: center;">↑ Enter the abbreviated type allegation.</div> <div style="text-align: center;">↑ Enter first alphabetic digit of the recruiting station.</div> <div style="text-align: center;">↑ Enter first numerical digit of Rctg Co.</div> <div style="text-align: center;">↑ Enter applicant's last name and SSN.</div> <div style="text-align: center;">↑ Enter recruiter's last name with grade and social security number (SSN).</div> <div style="text-align: center;">↑ Enter assigned USAREC case number.</div> </div>													
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>(1)</p> <p>CONCEALED POLICE RECORD(CPR) FALSE PROMISE(FP) CONCEALED MEDICAL INFORMATION(CMI)</p> </div> <div style="width: 45%;"> <p>FALSIFICATION OF DOCUMENTS(FOD) NOT QUALIFIED FOR OPTION/ENLISTMENT(NQFO) CONCEALED PRIOR SERVICE(CPS)</p> </div> </div>													
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>(2)</p> <p>CONCEALMENT OF DEPENDENTS(COD) OTHER(OT) ILLEGAL TESTING(IT) PARENTAL CONSENT(PC)</p> </div> <div style="width: 45%;"> <p>R3=RELIEF, RECLASSIFICATION AND REASSIGNMENT</p> </div> </div>													

USAREC Form 737, Rev 1 Nov 1996 (Previous editions are obsolete)

Figure 3-3. Sample of a completed USAREC Form 737

SUSPECTED IMPROPRIETY INQUIRY LOG (For use of this form see USAREC Reg 601-45)										
RECRUITING BATTALION: <u>Chicago (5A)</u>					RECRUITING BRIGADE: <u>3d Rctg Bde</u>			DATE: <u>01 Dec 01</u>		
CASE NUMBER	RECRUITER'S NAME/RANK/SSN	APPLICANT'S NAME/RANK/SSN	CO ID	STA ID	TYPE SI (1)	DATE INITIATED	RCTG BN CDR SUSPENSE	INV OFF RANK/NAME	DATE CLOSED	REMARKS/FILE
941	Gordon/SSG 123-45-6789	Hart/222-33-4444	6	W	COD	01 Oct 01	15 Oct 01	CPT Mason	06 Oct 01	COD not verified. Good inquiry.
<div style="display: flex; flex-direction: row-reverse; justify-content: space-around;"> <div style="text-align: right;"> <p>↑ Enter general comments.</p> </div> <div style="text-align: right;"> <p>↑ Enter day, month, and year when the case was closed.</p> </div> <div style="text-align: right;"> <p>↑ Enter abbreviated rank with last name of the investigating officer.</p> </div> <div style="text-align: right;"> <p>↑ Enter day, month, and year due date to Rctg Bn commander.</p> </div> <div style="text-align: right;"> <p>↑ Enter the abbreviated type SI.</p> </div> <div style="text-align: right;"> <p>↑ Enter first alphabetic digit of the recruiting station.</p> </div> <div style="text-align: right;"> <p>↑ Enter first numerical digit of the Rctg Co.</p> </div> <div style="text-align: right;"> <p>↑ Enter applicant's last name and SSN.</p> </div> <div style="text-align: right;"> <p>↑ Enter recruiter's last name, grade, and SSN.</p> </div> <div style="text-align: right;"> <p>↑ Enter assigned Rctg Bn case number.</p> </div> </div>										
<div style="display: flex; justify-content: space-between;"> <div> <p>NOTE 1: SUSPECTED IMPROPRIETIES (SI):</p> <p>CONCEALED POLICE RECORD (CPR)</p> <p>FALSE PROMISE (FP)</p> <p>CONCEALED MEDICAL INFORMATION (CMI)</p> <p>FALSIFICATION OF DOCUMENTS (FOD)</p> </div> <div> <p>NOT QUALIFIED FOR OPTION/ENLISTMENT (NQFO)</p> <p>CONCEALED PRIOR SERVICE (CPS)</p> <p>CONCEALMENT OF DEPENDENTS (COD)</p> <p>ILLEGAL TESTING (IT)</p> </div> <div> <p>PARENTAL CONSENT (PC)</p> <p>OTHER (OT)</p> <p>PREENLISTMENT INTERVIEW (PEI)</p> <p>MOMENT OF TRUTH (MOT)</p> </div> <div> <p>SOLDIER DISCLOSURE PROGRAM (SDP)</p> </div> </div>										

USAREC Form 737-A, Rev 1 Nov 1996 (Previous editions will be used)

Figure 3-4. Sample of a completed USAREC Form 737-A

NOTIFICATION AND REBUTTAL OF ADVERSE ACTION (For use of this form see USAREC Reg 601-45)		
PART I - NOTIFICATION		
TO: <u>SFC George A. Brown</u> (Rank) (Name)	<u>123-45-6789</u> (SSN)	<u>Podunk, 1A (RS)</u> (Organization)
<p>1. As a result of my review of the report of investigation and any allied material, I have determined that you committed the following recruiting impropriety:</p> <ul style="list-style-type: none"> a. Concealed Mr. Smith's juvenile record (para 2-3a(2)). b. Falsified Mr. Smith's consent document (para 2-3b(1)). <p>2. I (have) (have not) flagged your personnel records as a result of this investigation. I (have) (have not) directed/upheld your suspension from recruiting duties, terminated your entitlement to SDAP effective <u>2 May 01</u>. Additionally, superior authorities may direct that you be:</p> <ul style="list-style-type: none"> a. Issued a written reprimand. b. Relieved from recruiting duty, reclassified, and involuntarily reassigned. c. Processed for separation. <p>3. You are entitled to submit matters in rebuttal. Any rebuttal must be submitted to me within 10 calendar days of your receipt of this notification. Enclosed is a copy of the report of investigation and any allied material for your use.</p> <p>4. Because superior authorities are not bound by my recommendations, this is your opportunity to provide rebuttal for any of the possible adverse personnel actions listed above.</p> <p>Encl Report of Investigation</p>		
Date 02 May 01	Signature Block of Rctg Bn Cdr CLYDE E. JONES LTC, Commanding	Signature /S/
PART II - REBUTTAL		
TO: Commander, U.S. Army Recruiting Battalion <u>Des Moines</u>		
<p>I have read and understand the unfavorable information presented against me and</p> <p>(<input checked="" type="checkbox"/>) do submit rebuttal matters.</p> <p>(<input type="checkbox"/>) do not submit rebuttal matters.</p> <p>2 Encls</p> <p>1. nc</p> <p>Added 1 encl</p> <p>2. Rebuttal Matters (if any)</p>		
Date 04 May 01	Full Name (First, Middle, Last) GEORGE A. BROWN SFC, Podunk, 1A (RS)	Signature /S/

USAREC Form 713-1, Rev 1 Nov 1996 (Previous editions may be used)

Figure 3-5. Sample of a completed USAREC Form 713-1

PART III - RCTG BN COMMANDER RECOMMENDATION		
<p>TO: Commander, U.S. Army <u> 5th </u> Recruiting Brigade</p> <p>1. A rebuttal (w as) (w as not) submitted (and is enclosed).</p> <p>2. I recommend the follow ing (attach continuation sheet, if additional space is needed):</p> <p>General officer letter of reprimand (OMPF filing).</p> <p>3 Encls 1-2. nc Added 1 encl 3. Personnel Action (DA Form 4187)</p>		
Date 06 May 01	Signature Block of Rctg Bn Cdr <div style="text-align: center;">CLYDE E. JONES LTC, Commanding</div>	Signature <div style="text-align: center;">/S/</div>
PART IV - RCTG BDE COMMANDER RECOMMENDATION		
<p>TO: Commander, HQ USAREC (RCRO), Fort Knox, KY 40121-2726</p> <p>I recommend the follow ing (attach continuation sheet, if additional space is needed):</p> <p>General officer letter of reprimand (OMPF filing).</p> <p>4 Encls 1-3. nc 4. Personnel Qualification Records (DA Form 2 and DA Form 2-1)</p>		
Date 13 May 01	Signature Block of Rctg Bde Cdr <div style="text-align: center;">JAMES H. BLACK COL, Commanding</div>	Signature <div style="text-align: center;">/S/</div>

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Appendix A References

Section I Required Publications

AR 15-6

Procedures for Investigating Officers and Boards of Officers. (Cited in paras 3-2 and 3-4.)

USAREC Pam 27-65

Procedural Guide for the United States Army Recruiting Command Investigating Officer. (Cited in paras 3-2, 3-4, and 3-5.)

Section II

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

AR 195-2

Criminal Investigation Activities.

AR 335-15

Management Information Control System.

AR 601-1

Assignment of Enlisted Personnel to the U.S. Army Recruiting Command.

AR 601-210

Regular Army and Army Reserve Enlistment Program.

USAREC Reg 601-56

Waiver, Delayed Entry Program Separation, and Void Enlistment Processing Procedures.

USAREC Reg 601-96

Guidance Counselor Procedures.

Section III

Prescribed Forms

USAREC Form 713-1

Notification and Rebuttal of Adverse Action. (Prescribed in para 3-6.)

USAREC Form 737

Recruiting Impropriety Investigation Log. (Prescribed in para 3-2.)

USAREC Form 737-A

Suspected Impropriety Inquiry Log. (Prescribed in para 3-2.)

Section IV

Referenced Forms

DA Form 3881

Rights Warning Procedure/Waiver Certificate.

DD Form 4

Enlistment/Reenlistment Document - Armed Forces of the United States.

DD Form 1610

Request and Authorization for TDY Travel of DOD Personnel.

USAREC Form 315

Report of Alleged or Suspected Recruiting Impropriety.

USAREC Form 794

Enlistment Processing Worksheet.

USAREC OP 2

IRR Transfer (DA Form 4187).

USMEPCOM Form 714A

Request for Examination.

Appendix B
Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
AND
U.S. ARMY RECRUITING COMMAND

SUBJECT: Investigative Support to U.S. Army Recruiting Command (USAREC)

1. Purpose: This agreement defines a system of mutual cooperation between U.S. Army Recruiting Command (USAREC) and U.S. Army Criminal Investigation Command (USACIDC), prescribing necessary actions by both commands to ensure maximum effectiveness in providing criminal investigative support to USAREC.

2. References:

- a. Army Regulation (AR) 195-2 (Criminal investigation Activities, 30 Oct 84).
- b. USAREC Regulation (UR) 601-45 (Recruiting Improprieties Policies and Procedures, 30 Sep 96).
- c. CID Regulation (CIDR) 195-1 (Criminal Investigation Operational Procedures, 1 Jan 00).
- d. Department of Defense Instruction (DoDI) 5505.7 (Titling and Indexing of Subjects of Criminal Investigations in the Department of Defense, 14 May 92).
- e. AR 15-6 (Procedure for Investigating Officers and Boards of Officers, 30 Sep 96).
- f. AR 601-1 (Assignment of Enlisted Personnel to the U.S. Army Recruiting Command, 2 Mar 92).

3. Definitions, as applicable to this MOU:

a. Recruiting improprieties are acts or omissions that involve the recruiting process, usually a violation of Article 84, 92, 107, or other articles of the Uniform Code of Military Justice (UCMJ), and are more fully defined in the glossary of UR 601-45 as:

(1) Acts or omissions in violation of law or regulation with the intent to enlist a person not qualified for enlistment or whom the recruiter believes is unqualified for enlistment.

(2) Acts or omissions in violation of law or regulation with the intent to grant a person a specific option, MOSC, education benefit, bonus, or other enlistment benefit for which an applicant is ineligible or whom the recruiter does not believe is eligible.

(3) Grossly negligent acts or omissions in violation of law, regulation, or policy resulting in a fraudulent, erroneous, or defective enlistment or reporting to AD or transfer of an unqualified person.

(4) Absent evidence of an innocent purpose, intentional violations of any specific prohibition identified in UR 601-45, paragraph 2-3 (specific prohibitions), whether or not any processing or enlistment occurred.

b. Other criminal offense: A violation of one of the articles of the UCMJ listed in appendix B of reference a, except those violated as part of a recruiting impropriety.

c. USAREC personnel: Civilian and military personnel currently or formerly assigned, attached or detailed to USAREC.

d. USACIDC ROI: A report of investigation prepared by a USACIDC unit in accordance with CID Regulation 195-1.

e. USAREC ROI: A report of investigation prepared by USAREC in accordance with procedures outlined in UR 601-45 and/or AR 15-6.

4. Problem: USACIDC and USAREC need to establish a procedure whereby USAREC is allowed to investigate recruiting impropriety cases, which are unique to USAREC and which otherwise would be investigated by USACIDC, while ensuring that the USACIDC provides necessary investigative support and is promptly notified of alleged criminal offenses.

5. Scope: This MOU applies to all elements of USACIDC and USAREC.

6. USACIDC responsibilities:

SUBJECT: Investigative Support to U.S. Army Recruiting Command (USAREC)

a. Any USACIDC unit receiving criminal complaints against USAREC personnel will take the following actions:

(1) Initiate a sequence number action.

(2) If the only apparent offense(s) consists of recruiting improprieties, dispatch a message, by any convenient means, describing the substance of the allegation and the sequence number to the USAREC LNO, 280th MP Detachment (CID), 3d MP Group (CID), USACIDC, Fort Knox, KY 40121-5580. The sequence number action will be maintained in an open status until instructions are provided by the CID USAREC Liaison Officer (LNO) or higher headquarters to either complete the sequence number action or initiate a USACIDC ROI.

(3) For other serious criminal offenses for which the USACIDC has investigative responsibility, conduct a formal USACIDC investigation. The CID USAREC LNO will be included as an information addressee on each report of investigation (ROI) submitted in accordance with reference c.

(4) Prior to the preparation of the final USACIDC ROI, coordinate with the appropriate USAREC brigade judge advocate (BJA). This requirement is in addition to the requirement for coordination with the local staff judge advocate (SJA).

(5) If any offense(s) appears to fall within the investigative responsibility of the provost marshal's office (PMO), advise the reporting party of the requirement to report the allegations to the appropriate PMO.

b. Upon receipt of notification from a USACIDC unit pursuant to paragraph 6a2, the CID USAREC LNO will:

(1) Initiate a sequence number action.

(2) Brief appropriate USAREC points of contact, to include the appropriate BJA.

(3) Determine, in coordination with USAREC, whether USAREC should investigate the allegation or whether a USACIDC investigation is appropriate.

(4) Brief the originating USACIDC unit, within five business days, to either complete its sequence number action or initiate a USACIDC ROI.

c. When an investigation conducted solely by USAREC results in the relief of a recruiter for commission of a recruiting impropriety in accordance with UR 601-45 and AR 601-01, the CID USAREC LNO will:

(1) Obtain a copy of the USAREC ROI.

(2) Review the completed USAREC ROI to determine whether it reflects a thorough development of facts and whether there are indications of other serious criminal offenses.

(3) If the review of the USAREC ROI identifies a requirement for a USACIDC investigation of other serious criminal offenses, initiate a USACIDC ROI or, if appropriate, forward the USAREC ROI to the USACIDC office having investigative responsibility for the area where the additional criminal offense(s) took place or where the suspect(s) reside and request that office to initiate a USACIDC ROI.

(4) If the review of the USAREC ROI does not reveal a need for additional investigation by the USACIDC, initiate and prepare an Initial/Final USACIDC ROI. The Initial/Final USACIDC ROI should be prepared in Collateral ROI format and will include a copy of the USAREC ROI as an attached exhibit. The decision to list USAREC personnel as ROI subject(s) for a recruiting impropriety will be based upon credible information standards and in compliance with DoDI 5505.7.

(5) Provide a copy of the USACIDC ROI to HQ, USAREC, ATTN: RCRO-RI. Since action taken against subject(s) will already be reported in the USAREC ROI, the use of DA Form 4833, Commander's Report of Disciplinary or Administrative Action should not be necessary. The results of the action taken will be reported in the USACIDC ROI.

(6) If the review of a USAREC ROI does not reveal any other serious criminal offense, but does address offense(s) within PMO investigative responsibility, coordinate with the local PMO and pass on the information for action as deemed appropriate.

d. Upon receipt of notification from USAREC of allegations of other serious criminal offenses committed by USAREC personnel, the CID USAREC LNO will:

(1) Initiate a sequence number action.

(2) Forward the information to the appropriate USACIDC unit by memorandum of transmittal for initiation of a USACIDC ROI.

(3) Monitor the progress of USACIDC investigations of USAREC personnel which have been in an open status more than 90 days and respond to inquiries from USAREC pertaining to those investigations.

SUBJECT: Investigative Support to U.S. Army Recruiting Command (USAREC)

e. The USACIDC unit conducting the investigation will strive to complete these investigations within 90 days.

7. USAREC responsibilities:

a. USAREC will normally investigate recruiting impropriety cases, as defined in paragraph 3a of this MOU.

b. Refer, within five business days, to USACIDC evidence of other serious criminal offenses, including those offenses discovered during the course of a USAREC inquiry. This requirement includes notifying USACIDC of off-post incidents, even if civilian law enforcement authorities are conducting an investigation.

c. Initiate and maintain an adequate "chain of custody" for all evidence collected during a USAREC inquiry.

d. USAREC will strive to complete recruiting impropriety investigations within 50 days.

8. Support: The USACIDC recognizes the need for expeditious resolution of its investigations involving allegations of criminal offenses by USAREC personnel and will continue to give priority to these cases. It is recognized that the scope of an investigation influences the length of time required for completion.

a. The CG, USAREC, or his designee, including the USAREC SJA, USAREC Deputy SJA, USAREC Brigade Judge Advocates (BJA), and USAREC Chief of Recruiting Improprieties and Investigation Office, may request USACIDC investigative support or that USACIDC assume the active investigation of offenses cited in paragraph 3a above, when warranted, in the interests of effective law enforcement.

b. The USAREC officials identified in 8a above may request U.S. Army Criminal Investigation Laboratory (USACIL) and/or polygraph support for investigations being conducted by USAREC. Recruiting improprieties sometimes involve the use or creation of false, forged, or fraudulent documents such as diplomas, school transcripts, etc. Forged and fraudulent documents are also often created when an imposter ("ringer") is used to take the Armed Services Vocational Aptitude Battery (ASVAB) for an enlistment prospect. In these types of cases USACIDC support is needed for the expert examination of the questioned documents. Requests for USACIL support to examine documents should be made as early in the recruiting improprieties investigation as possible, in order to ensure the timely completion of the investigation. USAREC will provide evidence to be examined by USACIL to the CID USAREC LNO or nearest USACIDC unit for submission to the USACIL.

c. The USACIDC may assume investigative responsibility for the investigation of any offense or allegation addressed in this MOU, when warranted, in the interest of effective law enforcement, or other reason(s) deemed appropriate under the circumstances. Assumption of investigative responsibility by USACIDC will normally not preclude USAREC from conducting a collateral investigation into the same matter(s), provided that the collateral investigation does not adversely affect the investigative process of the USACIDC investigation.

9. USACIDC ROI distribution:

a. Action commander's distribution of USACIDC ROIs will be forwarded through the appropriate USAREC recruiting brigade commander to the appropriate recruiting battalion commander.

b. When necessary, a DA Form 4833 (Commander's Report of Disciplinary or Administrative Action) will be completed by the battalion commander and forwarded through the appropriate recruiting brigade commander to the USACIDC unit requiring the information.

c. Copies of all USACIDC ROIs (initial, status, and final) will also be sent to the CID USAREC LNO for forwarding to HQ, USAREC, ATTN: RCSJA.

10. Effective date: This MOU is effective 30 days from the date of signature and may be terminated by mutual consent of these signatories. On the effective date, this MOU supersedes the current MOU.

/signed/
DONALD J. RYDER
Brigadier General, USA
Commanding General, USACIDC

14 Aug 2001

/signed/
DENNIS D. CAVIN
Major General, USA
Commanding General, USAREC

23 Jul 2001

Glossary

Section I Terms

AD
active duty

AMEDD
Army Medical Department

ASI
additional skill identifier

ASVAB
Armed Services Vocational Aptitude Battery

BJA
brigade judge advocate

CG
Commanding General

CID
Criminal Investigation Division

CofS
Chief of Staff

DCG
Deputy Commanding General

DEP
Delayed Entry Program

GC
guidance counselor

HQ USAREC
Headquarters, United States Army Recruiting Command

IO
investigating officer

IRR
Individual Ready Reserve

MOSC
military occupational specialty code

NCO
noncommissioned officer

NPS
nonprior service

PS
prior service

RA
Regular Army

Rctg Bde
recruiting brigade

Rctg Bn
recruiting battalion

Rctg Co
recruiting company

RI
recruiting impropriety

ROI
report of investigation

SDAP
special duty assignment pay

SI
suspected impropriety

SJA
Staff Judge Advocate

SSN
social security number

TPU
troop program unit

UCMJ
Uniform Code of Military Justice

USACIDC
United States Army Criminal Investigation Command

USAR
United States Army Reserve

USAREC
United States Army Recruiting Command

XO
executive officer

Section II Terms

adverse personnel actions
Unfavorable personnel actions including, but not limited to, removal from recruiting duties, withdrawal of recruiting MOSC or ASI code, and/or letter of reprimand.

allegation
Information from any source that a USAREC member violated this regulation. Allegations can be expressed or implied based on oral or written statements which need not be signed or sworn. RIs also can be inferred based on documentary evidence.

applicant
A person who has begun processing for enlistment or IRR transfer into the RA or any other USAR component of the Army.

appointing authority
USAREC commanders at the Rctg Bn level or higher, USAREC DCGs, USAREC CofS, and the Director of Recruiting Operations (acting for the CG, USAREC) are authorized to appoint in-

formal investigations concerning allegations of RIs and other matters within their areas of responsibility. Only USAREC CG, DCGs, or CofS may authorize a headquarters investigation.

approval authority
The CG, USAREC, or when empowered to act for the CG, DCGs USAREC.

enlistee
A person who has taken the oath of enlistment into the DEP, RA, any USAR Component of the Army and signed applicable portions of DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States), or who has signed a USAREC OP 2 to transfer to a TPU.

enlistment
A voluntary contract (DD Form 4) for military service entered into between an individual and the Army which results in changing the status of the individual person from that of a civilian to that of a member of the military (RA or USAR). (NOTE: For the purpose of this regulation, "enlistment" includes entry into the DEP, original enlistment in a TPU (with or without delay or split training), in the RA or appointment in the RA, USAR, Officer Candidate School, Warrant Officer Flight Training, or AMEDD AD or USAR. This includes transfers from the IRR to a TPU.) Thus, the rules of this regulation apply both to all matters pertaining to enlistment in the DEP and to all matters pertaining to the subsequent enlistment in the RA.

gross negligence
A negligent act or omission accompanied by a reckless, deliberate, or wanton disregard for the foreseeable consequences of that act or omission.

headquarters investigation team
The group of commissioned officers selected by the Director of Recruiting Operations for training as USAREC IOs and for detail to investigative duties when allegations of RIs warrant an HQ USAREC investigation. Civilian employees GS-7 and above, and senior NCOs, sergeant first class through sergeant major, may be appointed as members of a headquarters investigative team. Only the USAREC CG, DCGs, or CofS may authorize a headquarters investigation.

qualification test material
Actual or illustrative questions and/or answers to any version of the test, or any other test administered to applicants for enlistment to determine test score qualification for enlistment; any component of these tests which would reveal actual questions and/or answers; and copies, written extracts, or crib sheets of test questions, answers, or any component of these tests which would reveal actual questions and answers.

prospect
An individual who has indicated interest in an enlistment to a recruiter directly or indirectly

through face-to-face or telephonic communication or by Lead Evaluation and Distribution System, centers of influence, DEP referrals, and/or hometown recruiter aides.

recruiting impropriety

- Acts or omissions in violation of law or regulation with the intent to enlist a person not qualified for enlistment or whom the recruiter believes is unqualified for enlistment.

- Acts or omissions in violation of law or regulation with the intent to grant a person a specific option, MOSC, educational benefit, bonus, or other enlistment benefit for which an applicant is ineligible or whom the recruiter does not believe is eligible.

- Grossly negligent acts or omissions in violation of law, regulation, or policy resulting in a fraudulent, erroneous, or defective enlistment or reporting to AD or transfer of an unqualified person.

- Absent evidence of an innocent purpose intentional violations of any specific prohibition identified in paragraph 2-3, whether or not any processing or enlistment occurred.

recruiting or processing errors

Errors, other than RIs, which violate regulations, directives, or policies during the recruiting enlistment process.

reinstatement

The restoration to recruiting duty status, along with a restoration of eligibility for SDAP.

Reserve Officers' Training Corps Referral Program

A program whereby all elements of USAREC provide personal data on qualified applicants to Army Reserve Officers' Training Corps elements.

ringer

An impostor who takes the ASVAB or physical examination for an actual applicant in order to qualify the actual applicant for enlistment.

special duty assignment pay

A monthly monetary incentive that is paid to enlisted personnel who qualify for and serve in designated special duty assignments. It is used for designated personnel who have extremely demanding duties that require an extraordinary effort for satisfactory performance or an unusual degree of responsibilities.

suspected impropriety

Questionable situations in which an RI is possible based on circumstantial or documentary evidence.

suspension

An exclusion from recruiting duty status for an indefinite period of time for the best interests of the Army. The recruiter is transferred from all duties involving contact with prospects and/or applicants for enlistments.

USAREC member

Any soldier or civilian employee of the United States Government assigned, attached, detailed, employed, or performing temporary duty within USAREC.